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Assistant Commissioner of Patents

Washington, DC 20231

09/821,134 TC 2600

PROTEST UNDER 37 CFR 1.291(a)

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Re: Delivery of location significant advertising

MAR 2 3 2004

US File: 20030003929

Filed: 3/29/2001

Technology Center 2600

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20030003929

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at a wireless client terminal in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (syncing) via the internet or Bluetooth or otherwise to a wireless "Mobile Phone" or other mobile terminal that delivers advertising based upon location/time or in reaction to an executable program or other voluntary user actions. (0004)

Relevant Claims are: 7, 8, 15 and others. The abstract in part reads, "A system for implementing a method for communicating an advertisement is disclosed. The system comprises a primary call center, a mobile station, a base station, and an advertiser call center. When the mobile station is registered with the base station, the primary call center controls a transmission of one or more advertisements to the mobile station in accordance with a schedule preferred by the mobile station user with each advertisement matching a profile of the mobile station user. The mobile station user can either store the advertisement for future reference or respond to the advertisement."

Consistently, the inventor describes the invention in internet terms ... because it is simply an extension of the internet relating to advertising delivery. Moving from Point A to Point B as well as the time frame you move from A to B are purely voluntary user events similar to surfing the internet and going to web sites at will. In a GPS or other location based system, advertising is delivered (pushed) (0063) and displayed based upon these voluntary user actions in one form or another, albeit audible or a monitor screen or other messages, when

made by comparison to the dynamic longitude and latitude coordinates to an advertising database containing geographical and/or time frame coordinates and maintained dynamically at the client level mobile terminal and the location of advertisers. (0063) The ads are then delivered to the user consequential to his or her actions. Descriptions of these actions and functions are described in (0004) (0033) (0049) (0055) and others.

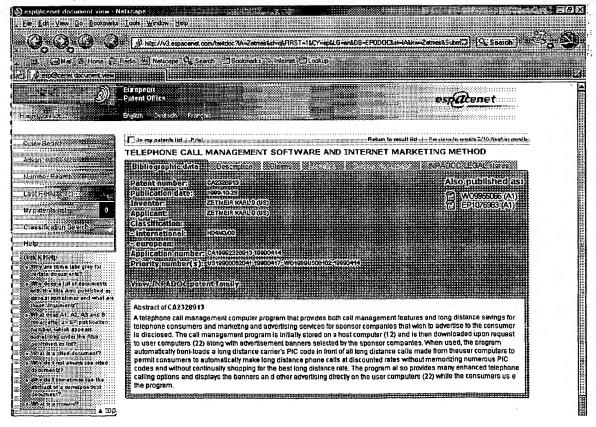
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent application, as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- 1. US Patent 6,141,010 ... similar technology
- 2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
- 3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 3/29/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.



🕃 United States Patent: 6,141,010 - Netscape ::::::::::::::::::::::::::::::::::::	TO X
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United States Patent Hoyle	October 31, 2000
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Computer interface method and apparatus with targeted advertising	
Abstract	
A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from	
time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is	
acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in	
determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the	
program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This	
provides two-tiered, real-time targeting of advertising—both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed	
without requiring any input or action by the user.	
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